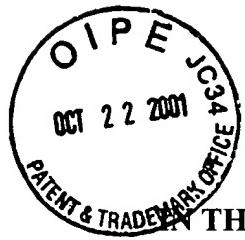


12-17-01

✓ SECTOR
514413-3885
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Sprunk et al

Serial No. : 09/899,595

Filed : July 5, 2001

For : PROMOTERS FOR GENE EXPRESSION CARYOPSES OF PLANTS

745 Fifth Avenue
New York, New York 10151

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Washington, D.C. 20231
Attention: Box Missing Parts

Sir:

Attached is the original executed inventor's declaration along with Check No. 017893 for \$130.00 to cover the required surcharge fee.

Also enclosed is a copy of the specification since the serial number was not available to the applicants at the time of execution.

Also attached is a copy of the papers that were previously submitted in connection with the sequence listing. Enclosed please find the following documents that were mailed via Express Mail on July 31, 2001:

1. Amendment to Accompany Sequence Listing;
2. Statement to Support filing and Submission;
3. Diskette and Paper Copy of Sequence Listing; and
4. Return Receipt Postcard.

Attached please also find a copy of the Preliminary Amendment submitted via Express Mail on September 13, 2001 in relation to the Sequence Listing.

This Communication is being filed with a copy of the Notice to File Missing Parts dated August 21, 2001.

Please charge any additional fees required to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: _____


William F. Lawrence
Registration No. 28,029
745 Fifth Avenue
New York, New York 10151
(212) 588-0800



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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/899,595 | 07/05/2001 | Stefanie Sprunck | 514413-3885 |

CONFIRMATION NO. 7610

FORMALITIES LETTER



OC00000006451373

FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Date Mailed: 08/21/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

MAYA L. KERNEE 00000075 09899595

130.00 EP

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*A copy of this notice **MUST** be returned with the reply.*



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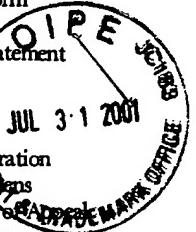
Serial No. 09/899,595 File No. 51413-3885 By SKL/4NP N

Title In the Matter of the Application of Promoter for Gene Expression in Suspension Plant

The following due _____ in the U.S. Patent Office, was received in the Patent Office

- Affidavit Declaration
- Amendment
- Preliminary Amendment
- Amendment After Final Rejection
- Request for Extension of Time
- Provisional Patent Application
- Application for Patent, including
____ Pages Specification ____ Claims
- Declaration Oath Power
- Request for Filing Continuation or Divisional Application
____ sheets, in duplicate
- File Wrapper Continuation Patent Application
____ sheets, in duplicate
- PCT Request ____ sheets, including
- Transmittal Letter to the US/RO
- Assignment Recordation Cover Sheet

- Express Mail Mailing Certificate
(separate sheet)
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- Drawing _____ Sheet(s)
- Information Disclosure Statement
- PTO Form 1449
- Issue Fee Transmittal
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- Application for TM Registration
Including _____ Specimens
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- Petition Response
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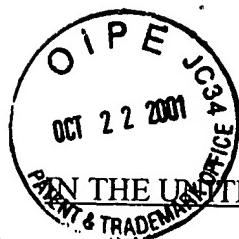
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|---|-----------------------------|-------------------|
| Serial No. 091889,595 | File No. 514413-3885 | By SUC/KEP |
| Title In the Matter of the Application of promoteri for Gene Expression in Caryopsis of Plants | | |
| The following due _____ in the U.S. Patent Office, was received in the Patent Office | | |
| <input type="checkbox"/> Affidavit <input type="checkbox"/> Declaration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Amendment After Final Rejection <input type="checkbox"/> Request for Extension of Time <input type="checkbox"/> Provisional Patent Application <input type="checkbox"/> Application for Patent, including — Pages Specification — Claims <input type="checkbox"/> Declaration <input type="checkbox"/> Oath <input type="checkbox"/> Power <input type="checkbox"/> Request for Filing Continuation or Divisional Application — sheets, in duplicate <input type="checkbox"/> File Wrapper Continuation Patent Application — sheets, in duplicate <input type="checkbox"/> PCT Request — sheets, including <input type="checkbox"/> Transmittal Letter to the US/RO <input type="checkbox"/> Assignment <input type="checkbox"/> Recordation Cover Sheet | | |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Aventis CropScience GmbH
U.S. Serial No. : 09/899,595
Filing Date : July 5, 2001
For : Promoters for Gene Expression In Caryopses Of Plants
745 Fifth Avenue, New York, NY 10151

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Mailing Label Number: EL 742 695 634 US

Date of Deposit: July 31, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Charles J. Jackson
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(Signature of person mailing paper or fee)

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Assistant Commissioner for Patents
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Dear Sir:

Enclosed are:

1. Amendment to accompany Sequence Listing;
2. Statement to Support Filing and Submission ;
3. Diskette and Paper copy of Sequence Listing; and
4. Return-receipt postcard.

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16, 1.17, or 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No.: 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

Susan K. Lehnhardt
Susan K. Lehnhardt
Reg. No. 33,943